

CITY OF MILFORD
REGULAR MEETING
OCTOBER 7, 2003
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Community Room in said City on the 7th day of October 2003 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Robert Anderson, Dean Bruha, Rick Fortune, Lyle Neal; City Clerk Jeanne Hoggins; Attorney Robert Blevens; Chief of Police Forrest Siebken. Also present: Jack Zimmerman, Vernon Peterson, Building Inspector Roger Kness, Alan Minchow, Roger Huss and Al Havener.

Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the Affidavit of Publication attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

CALL TO ORDER: Mayor Plessel called the meeting to order at 7:30 p.m.

MINUTES: A motion was made by Fortune and seconded by Anderson to approve the minutes of the September 2, 2003 meeting. Roll call vote: Fortune yes, Anderson yes, Bruha yes, Neal yes. Motion carried.

A motion was made by Neal and seconded by Fortune to approve the minutes of the September 8, 2003 meeting. Roll call vote: Neal yes, Fortune yes, Anderson yes, Bruha yes. Motion carried.

A motion was made by Bruha and seconded by Neal to approve the minutes of the September 15, 2003 meeting. Roll call vote: Bruha yes, Neal yes, Anderson yes, Fortune yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Bruha and seconded by Neal that the following bills in the amount of \$81,586.13 approved by the Auditing Committee be approved for payment. Roll call vote: Bruha yes, Neal yes, Anderson yes, Fortune yes. Motion carried.

SALARIES:

37486	Mark Frey	1112.15
37487	Forrest K Siebken	1054.34
37488	Mavis Lynn Ferris	25.72
37489	Jeanne M Hoggins	942.59

37490	Gary Lee TeSelle	665.88
37491	Scott Dean Fosler	969.69
37492	Robert L Hull	769.42
37493	Beverly J Wehrs	322.03
37494	Edna A Riedl	226.23
37495	David R Dahle	826.70
37496	Louis J Bialas	760.49
37497	Pamela J Slama	289.23
37498	Bryce Roth	200.31
37499	Lucy B Honig	267.48
37500	Marcus A Siebken	206.58
37501	Bryce Johnson	777.11
37502	Philip Winkelmann	764.38
37503	Lindsey S Troyer	545.87
37504	Regan Beranek	74.99
37505	Whitney Page	62.05
37506	Elizabeth Dierberger	59.10
37507	Ashley Fosler	56.15
37508	Kristina Hartmann	5.91
37565	Mark Frey	1112.15
37566	Forrest K Siebken	1054.34
37567	Mavis Lynn Ferris	34.72
37568	Jeanne M Hoggins	942.59
37569	Gary Lee TeSelle	660.88
37570	Scott Dean Fosler	881.86
37571	Robert L Hull	689.10
37572	Beverly J Wehrs	448.31
37573	Edna A Riedl	229.88
37574	David R Dahle	799.78
37575	Louis J Bialas	764.94
37576	Pamela J. Slama	227.23
37577	Lucy B. Honig	312.92
37578	Bryce C Johnson	721.91
37579	Philip Winkelmann	696.42
37580	Lindsey S. Troyer	545.87
37581	Regan Beranek	186.18
37593	Roger Kness	330.93
37594	Joyce Elaine Plessel	184.70
37595	Ricky Gene Fortune	138.53
37596	Dean Alan Bruha	138.53

37597	Emerson L. Neal	138.53
37598	Robert E. Anderson	138.53
37599	Mark Frey	1110.68
37600	Forrest K Siebken	1069.48
37601	Mavis Lynn Ferris	24.68
37602	Jeanne M. Hoggins	940.55
37603	Gary Lee TeSelle	636.04
37604	Scott Dean Fosler	902.32
37605	Robert L Hull	694.00
37606	Beverly J Wehrs	460.19
37607	Edna A Riedl	290.28
37608	David R Dahle	770.54
37609	Louis J Bialas	789.43
37610	Pamela J Slama	289.97
37611	Lucy B. Honig	271.27
37612	Bryce C Johnson	700.88
37613	Philip Winkelmann	714.26
37614	Lindsey S. Troyer	544.42
37615	Regan Beranek	130.16

GENERAL FUND:

37485	U. S. Postmaster – Utility Billing Postage	
37509	Ameritas – Retirement	1256.67
37510	John Alden – Group Health	6764.11
37511	Aflac – Acc,Disabl,Cancer,Supp'l	129.08
37512	American Red Cross – Admin fees for summer swim	576.00
37513	Ameritas – Refunding Bonds	102.00
37514	Alltel – Service for August	333.58
37515	Alltel – Long Distance	2.91
37516	Scott Burroughs – Reimburse for rooms	201.48
37517	Bob's Automotive – Shocks,Lube,Air Filter	260.80
37518	Butch's Welding – Flat,Antenna	13.50
37519	Central States Lab – Dunks,Salt Stop	1561.89
37520	Concrete Works – Alley Approach	1350.00
37521	Culligan Water – Soft Water	18.00
37522	Farmers Coop – Gas/Diesel for August	1376.56
37523	Data Technologies – Cemetery Software	1100.00
37524	Deep Rock – Drinking Water	30.39
37525	Eakes Office Plus – Calendars,Copy Paper	165.08
37526	EDM Field Equipment – Bunker Gear	1709.10
37527	Farm Plan – Control	29.00

37528	Gateway Companies – Monitor Replacement	429.98
37529	Garbage Co. – Service for August	90.50
37530	Gene’s Electric – Set Pole by Well	264.00
37531	Great Plains – One Call Service	26.66
37532	Hawkins Water Treatment – Phospate,Hypochlorie	1465.87
37533	Hornady – 500 RDs 40 S & W – Ammo	191.25
37534	Lincoln Scheels - #41512,#41513,#41514	107.77
37535	Linweld – Oxygen	56.05
37536	Milford A/C & Appliance – One Module	243.83
37537	Milford Supermarket – Rug Doctor, Potatoes	69.92
37538	The Milford Times – Notices, Minutes	144.70
37539	Municipal Emergency Services – Transformer Tool	7700.00
37540	Mutual of Omaha – Disability	69.23
37541	NE Dept of Revenue – Sales Tax for August	2222.34
37542	Nebraska Dept of Revenue – NE Bureau of Animal	150.00
37543	Nebraska Motor Parts – Duct Tape,Clamp,Wire	55.25
37544	Nebraska Public Power Dist. – Service for August	6504.75
37545	Nebraksa Tech & Telecomm – Service for August	544.21
37546	Aquila – Service for August	621.48
37547	Powerplan – O-Ring,Bulk Hose,Elbow	35.80
37548	Roxanne Roth – Cleaning Services	320.00
37549	Mrs. Wayne Roth – Birthday Cakes	28.00
37550	Schlegel’s Groceries – Supplies for Potato Bake	97.61
37551	Seward Public Power – Wells 1 & 2	898.54
37552	Wayne Stohlman – Civil Defense Meeting	55.80
37553	Subway Motors – Check Engine Light, Shop Material	25.56
37554	Sunrise Country Manor – 252 Meals for August	819.00
37555	The Trophy Shop – Engraving Plaque	76.98
37556	Aramark Uniform Services – Pants & Rags	114.14
37557	Don Yeackley – Reimbursement of Food/Room	376.00
37558	Milford Digging – Repair Water Leak	100.00
37559	Stutzman Digging – Locate Water Main & Expose	100.00
37560	Wayne Embrey – Grass Seed for Water Project	100.00
37561	Amanda Fitchner – Lifeguard Course	50.00
37562	Whitney Troyer – Lifeguard Course	50.00
37563	Miracle Recreation – Swing Set, Tot Seat, Chain	396.00
37564	Pizza Kitchen – 35 meals for Aug 25	123.75
37582	Ameritas – Retirement	1256.67
37583	Concrete Works – Concrete Work done on Street	10575.48
37584	Emergency Medical Products – Blocks,masks,oxygen	331.32

37585	JEO Consulting – Update City Plat Map	1970.00
37586	Lauber Funeral – Move Grave	1085.00
37587	Nebraska Health Laboratory – Coliform Test	43.00
37588	Seward Electronics – Antenna, Battery Backup	2806.16
37589	St. Paul Stamp Works, Inc. – Bicycle Licenses	74.68
37590	Ritchie Walker – Water/Sewer Deposit Refund	50.00
37591	Brandt Carpet & Tile – Carpet Fire Hall	3329.27
37592	Susan Greenwood – Water/Sewer Deposit Refund	23.11
37616	Ameritas – Retirement Plan	1256.67
37617	Blevens – Legal Services for September	350.00
37618	Center Point Publishing – 6 Books	58.94
37619	City of Milford – Shipping, Tape, Scissors	31.43
37620	Consumer Reports – 2 Year Subscription	44.00
37621	Country Woman – 2 Year Subscription	17.98
37622	Country Living – 2 Year Subscription	29.97
37623	Customer Service Center – 9 DVD's	144.59
37624	Data Technologies – '04 Summit License Fee	2110.79
37625	Eakes – Checks, Pencil Sharpener	982.78
37626	Farmers & Merchants Agency – Treasurer Bond	200.00
37627	Heartsong Presents – 4 Books	10.99
37628	Heyen Tax & Acct – 100 W2's	43.73
37629	Ingram Library Services – 17 Books	156.80
37630	International Code Council – Governmental Member	100.00
37631	Marvin E Jewell – 2003-04 City of Milford Budget	5885.00
37632	League of Ne Municipalities – '03 Member Dues	1912.00
37633	League of Ne Municipalities – '03 Member Dues	390.00
37634	Milford School Dist. – Parking Fines for September	20.00
37635	Miller-Monroe – Water Tower Insurance	146.00
37636	NE Municipal Clerks Assoc – 2003-04 Membership	20.00
37637	Olsson Assoc – Fee's for Water Tower	5138.44
37638	Perma Bound – One Book	12.81
37639	Reiman Publications – 2 Year Subscription	29.98
37640	Romantic Homes – 2 Year Subscription	39.95
37641	Roxanne Roth – Cleaning Services	250.00
37642	Servicemaster of Seward – Carpet Cleaning	786.00
37643	Southeast NE Dev Dist – 2004 Membership Dues	1346.00
37644	Taste of Home – 2 Year Subscription	22.98
37645	Todays Christian – 2 Year Subscription	29.95
37646	Union Bank – Gary TeSelle Acct #556293	300.00
37647	Walmart – Vacuum Cleaner, Calendars, Ink Cart.	93.97

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Planning & Zoning minutes for September 17, 2003, Milford Aging Services Commission minutes for September 23, 2003; Library Board minutes for August 21, 2003; Recreation Board minutes for September 29, 2003 and Police Dept. Activity Report for September 2003.

Fortune contacted Ron Bottorff to inquire about the cost of the sewer trunk line in conjunction with the Rowland's new home. The estimated cost would be between \$30,000 - \$35,000. Fortune noted that is too much money. This item may be placed on next months agenda for discussion of other options. The water tower will be placed on line by next week. Neal noted the Recreation Board met and items for discussion are on the agenda. Bruha mentioned the street repair at Park Ave & Walnut has been completed at the cost of \$10,575.48 also an alley approach on "D" Street has been repaired. Bruha noted that he and Mark Frey are still working towards getting the alleys cleaned up. S.C.C. surveying dept. will be determining the right-of-ways by working off of a City plat map that was provided by J.E.O. J.E.O. is also upgrading our City base plat map and formatting it onto an auto cad system. New colored maps will be provided. Anderson – The library copy machine has quit working. It is about 5 1/2 to 6 years old. Edna has checked with several individuals to repair the machine, people do not have much luck repairing inkjet copiers. The Library may need to purchase a new copy machine. The door that needs to be replaced on the east side of the community room has not come in yet. Chief Siebken reviewed the monthly Police activity report for September.

COMMUNICATIONS: Sales tax received for the month of July 2003 was \$12,767.17. Mayor Plessel met with the gentleman from Nebraska Recycling and he felt there would be no problem with Milford getting a grant for a new trailer. Plessel may call a special meeting to get authorization from the Council to sign grant papers.

PUBLIC HEARING – Citizens Advisory Committee: Mayor Plessel opened the public hearing at 7:40 pm. Bruha reported on the financials for the Economic Development Committee, noting a balance of \$54,166.29. A luncheon meeting to review the updates made to the Milford web page by Ginny Backes is scheduled for October 17 at noon in the Dunlap Center. No further comments from those present, Mayor Plessel closed the public hearing at 7:44 pm.

NEW BUSINESS:

Methodist Church directional sign on "B" St.: Al Havener approached the City regarding a directional sign at Hwy 6 and "B" St. to inform people how many blocks north to the Methodist Church. Mayor Plessel asked if the

sign would be placed on City or State right-of-way property. Mr. Havener mentioned that it probably would be. Neal noted his concern about placing signs all along the Hwy due to the fact that there are 3 churches on “F” St., 1 on “C” St., 1 on “B” St. and 1 on “A” St.

Bruce & Cheryl Hostetler arrived at 7:48 pm.

Mayor Plessel noted that the City could not discriminate against allowing anyone to place a directional sign up on the right-of-way if they allowed one group to place their sign up. It was suggested that the Chamber of Commerce could erect a directory sign with addresses at each entrance of town. Fortune mentioned possibly placing a temporary sign on private property the day of the event. Mr. Havener noted that he just wanted to do the right thing. The City Council did not entertain a motion to allow a directional sign to be placed on “B” Street. Mr. Havener will work with Building Inspector Roger Kness if it is decided to place a sign on private property.

Interlocal Agreement – Septic Systems: An Interlocal Agreement from Seward County was reviewed with the option of having Building Inspector Scott Stuhr to inspect all septic systems within the county. Scott is state certified to do the inspections for Seward County and has been doing them in the past. Building Inspector Roger Kness noted that the Interlocal agreement was sent out to all Cities in the county and requested that the Cities be responsible for the \$75.00 fee incurred by the inspection. Not one City responded. Neal questioned the clause regarding liability. (The County is not responsible, but the City would be.) What kind of liability issues may arise? The performance of the perk test was noted and who takes the test. The certified County Inspector should be the individual taking the test as suggested by the Milford City Council. Blevens noted a change in verbiage on the Interlocal Agreement holding the City of Milford from any liability. The Council discussed the fact that the County has been doing these inspections anyway, so why did we need this agreement. Discussion on item dropped.

Franchise Fee – Aquila: After Council discussion, it was decided to leave the franchise fee for Aquila at the current rate of 3%. The Council felt at this time they were operating well enough on the current rate and did not want to pass the increase on to the residents of Milford.

Introduction and Adoption of Ordinance – Franchise Fee: Item not needed.

Approve Payment - Olsson Assoc., Water Tower: A motion was made by Fortune and seconded by Neal to approve payment of Invoice #61509 in the

amount of \$5,138.44 for engineering fees. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried.

Minor Subdivision – Leonard Ihde: Alan Minchow was present to provide information regarding the 500 square feet of ground that was donated to the Lutheran Church by Leonard Ihde. The property is located one mile west on Hwy 6. The Planning & Zoning has reviewed the minor subdivision map and approved the same. Zoning for this property is OAG and Building Inspector Roger Kness noted no problem with construction of a church. A motion was made by Neal and seconded by Fortune to approve the minor subdivision and authorize Mayor Plessel’s signature on the final maps.

Fire Dept. membership roster: A motion was made by Fortune and seconded by Anderson to approve the 2003 Fire Dept. membership roster as submitted. (See attached roster) Roll call vote: Fortune yes, Anderson yes, Bruha yes, Neal yes. Motion carried.

Approve Volleyball Director: A motion was made by Neal and seconded by Bruha to approve Bruce & Janel Stutzman as volleyball directors. Roll call vote: Neal yes, Bruha yes, Anderson yes, Fortune yes. Motion carried.

Youth Basketball Coaches: A motion was made by Neal and seconded by Fortune to approve Stephanie Spearman for the youth girl’s basketball coach and Troy Martin, Craig Shaw and Dan Anderson as the youth boy’s basketball coaches. Roll call vote: Neal yes, Fortune yes, Anderson yes, Bruha yes.

Bed & Breakfast – R2, Bruce Hostetler: Cheryl Hostetler reported her and her husband have purchased the former property of Frank Newton located at the corner of 4th & “E” St. The current comprehensive plan does not mention requirements of a Bed & Breakfast facility. The Hostetler’s and Building Inspector Roger Kness have met with the Fire Marshall and are waiting the Council’s permission to proceed with such a facility. There is a need for such a place as currently Milford has no overnight accommodations. The house could be a 4 bedroom unit with total occupancy of 10 people. The Council did not note a zoning issue as normally a Bed & Breakfast would be in a residential area. Neal mentioned this would be a real plus to the community. Other items of discussion to note: 2nd story exit, egress windows and parking. A motion was made by Bruha and seconded by Fortune to accept and approve the Hostetler’s to open a Bed & Breakfast within a R2 zoning district. Roll call vote: Bruha yes, Fortune yes, Anderson yes, Neal yes. Motion carried.

Change Order #2 – Water Tower, Maguire Iron: A motion was made by Fortune and seconded by Bruha to authorize the Mayor’s signature on

change order #2 which reflects the cost of electrical changes in the amount of \$1,875.00. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

Certificate o payment #8 – Maguire Iron: A motion was made by Fortune and seconded by Anderson to approve payment of certificate #8 to Maguire Iron in the amount of \$8,509.50. The current 10% retained amount is \$44,627.50. Roll call vote: Fortune yes, Anderson yes, Bruha yes, Neal yes. Motion carried.

Vernon Peterson – Spraying for weeds at Cemetery: Vernon Peterson voiced his opinion as October being the month to spray for weeds at the cemetery. Anderson visited with Gary TeSelle of the maintenance dept. and the last time the cemetery was sprayed for weeds was July. TeSelle was not aware of any other spraying schedule. Anderson noted that he would visit with Mark Frey regarding the weeds and also the growth around the trees. Peterson said he tried to get in touch with Bill Lauber. Mayor Plessel informed Anderson to contact the Cemetery Board members and call a special meeting for discussion of this and additional cemetery issues.

Smoking Ordinance – Discussion: Bruha stated that he had visited with citizens of the community and the School Superintendent. The question arose as to when & where individuals can smoke. Bruha mentioned when people attend public events, does the City has regulations in place to enforce the smoking issue. A penalty of up to \$500.00 could be issued, only if an ordinance was in place with smoking stipulations. Bruha then mentioned posting of signs, for non-smoking, in areas such as the parks. Council questioned if the State has a policy regarding an “outdoor” air act. Fortune has not noted any problems within our parks. People that smoke usually have the courtesy to move back from the crowd or even stand back in the parking lot at Welch Park during ball games. There does not seem to be a problem with smoking at public events and Fortune did not express cause to enforce any additional signs for outdoor facilities. No further discussion was held on this matter.

Curfew – Jack Zimmerman: Jack was present to note his frustration with the fact that his American flag was stolen from his yard. He noted that there is nothing to do in this town after 11:30 pm – 12:00 am and children should be at home at that time. Mr. Zimmerman would like the Council to enforce a curfew for children less than 17 years of age. The Council asked Chief Siebken what the practice of the department was when they encountered children out late at night. The Police usually ask the children if there parents know where they are? The parents are then contacted and the children are then picked up by a parent. P.O.P. driver’s licenses were discussed and

Chief Siebken noted the P.D. is aware of activities scheduled by the school. Anderson suggested having a public hearing before pursuing a curfew. Council members felt the Police Dept. was handling the situation appropriately and did not wish to pursue the curfew.

ADJOURNMENT: A motion was made by Fortune and seconded by Bruha to adjourn the meeting. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried and meeting adjourned at 9:08 pm.

Jeanne Hoggins, City Clerk

J. Elaine Plessel, Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council of October 7, 2003 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

(SEAL)

Jeanne Hoggins, City Clerk